

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

STREAMSERVE AB,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 08-343-SLR
)	
EXSTREAM SOFTWARE, LLC and)	
HEWLETT-PACKARD COMPANY,)	JURY TRIAL DEMANDED
)	
Defendants.)	

**PLAINTIFF STREAMSERVE AB'S ANSWER
TO DEFENDANTS' COUNTERCLAIM**

StreamServe AB (“StreamServe”) answers to Defendants Exstream Software, LLC (“Exstream”) and Hewlett-Packard Company’s (“HP”) Answer and Counterclaim (D.I. 10) as follows:

1. StreamServe admits the allegations of paragraph 1 of the Counterclaim.
2. StreamServe admits the allegations of paragraph 2 of the Counterclaim.
3. StreamServe admits the allegations of paragraph 3 of the Counterclaim.

JURISDICTION AND VENUE

4. StreamServe admits that the Court has subject matter jurisdiction over this case because an actual controversy exists between StreamServe, Exstream, and HP. The remainder of paragraph 4 of the Counterclaim states legal conclusions to which no response is required.

5. StreamServe admits that the Court has personal jurisdiction over StreamServe and that StreamServe filed a complaint for patent infringement against Exstream and HP in this judicial district. The remainder of paragraph 5 of the Counterclaim states legal conclusions to which no response is required.

6. StreamServe admits that it alleges that Exstream and HP infringe U.S. Patent No. 7,127,520 and that an actual and justiciable controversy has arisen and exists between StreamServe, Exstream, and HP regarding defendants' infringement of the patent-in-suit and the validity of the patent-in-suit.

7. Defendants' Counterclaim does not include a paragraph 7.

8. StreamServe admits that venue is proper in this judicial district.

COUNT I: DECLARATORY RELIEF REGARDING NON-INFRINGEMENT

9. StreamServe incorporates by reference its responses to paragraphs 1-8 as though fully set forth herein.

10. StreamServe denies the allegations of paragraph 10 of the Counterclaim.

COUNT II: DECLARATORY RELIEF REGARDING INVALIDITY

11. StreamServe incorporates by reference its responses to paragraphs 1-10 as though fully set forth herein.

12. StreamServe denies the allegations of paragraph 12 of the Counterclaim.

13. StreamServe denies the allegations of paragraph 13 of the Counterclaim.

14. StreamServe denies the allegations of paragraph 14 of the Counterclaim.

15. StreamServe denies the allegations of paragraph 15 of the Counterclaim.

AFFIRMATIVE DEFENSES

Without assuming any burden of proof that it would otherwise not bear under applicable law, StreamServe asserts the following affirmative defense:

FIRST AFFIRMATIVE DEFENSE

StreamServe alleges that the Counterclaim fails to state a claim upon which relief can be granted.

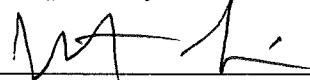
WHEREFORE, StreamServe demands judgment on the Counterclaim as follows:

- A. Judgment on the Counterclaim in favor of StreamServe;
- B. Dismissal of the Counterclaim with prejudice;
- C. A declaration that this is an “exceptional” case within the meaning of 35 U.S.C. § 285, entitling StreamServe to an award of its attorney’s fees, expenses, and costs;
- D. A judgment and order requiring defendants to pay StreamServe the costs incurred in defending itself from this Counterclaim (including all disbursements), as well as attorneys’ fees as provided by 35 U.S.C. § 285; and
- E. Such other and further relief in law or in equity to which StreamServe may be justly entitled.

DEMAND FOR JURY TRIAL

Plaintiff and Counterclaim-Defendant StreamServe AB hereby demands a trial by jury on all issues so triable.

Respectfully submitted,



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Dated: August 20, 2008

CERTIFICATE OF SERVICE

I, Monté T. Squire, Esquire hereby certify that on August 20, 2008, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that I caused a copy of the foregoing document to be served by email on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

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